

REMARKS

The present patent application was filed on July 19, 2006 (claiming priority to International Patent Application PCT/IB2003/005129 filed on November 13, 2003 and published in English with Publication No. WO 2004/056470 A1 on July 8, 2004, under PCT article 21(2), which in turn claims priority from European Application No. 02028555.7, filed on December 20, 2002) with claims 1-23. Claim 23 has been withdrawn in response to a previous restriction requirement, Applicants previously canceled claims 2, 3, 18 and 19 without prejudice, and Applicants propose to cancel claims 15 and 16 herein without prejudice. Therefore, claims 1, 4-17 and 20-23 are presently pending in the application. Applicants herein propose to amend claim 17 to address an alleged informality. Applicants also propose to amend claim 1 herein. Support for the amendment can be found, for example, in paragraph [0012], paragraph [0025], paragraph [0035], FIG. 1 and the corresponding portions of the specification. No new matter is being introduced.

The Office Action objects to claims 15 and 16 for allegedly being of improper dependent form, objects to claim 17 for alleged informalities, rejects claims 1, 4-7, and 20-22 under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and rejects claims 1, 4-7, and 20-22 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

The comments of the Examiner in forming the rejections are acknowledged and have been carefully considered.

OBJECTION

On page 3, the Office Action states that “Claims 15 and 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.” As such, Applicants propose to cancel claims 15 and 16 herein without
5 prejudice.

Also, on page 3, the Office Action states that “[claim 17] appears to be missing words such as ‘the use of’ after the word ‘comprises.’ Appropriate correction is required.” Applicants herein propose to amend claim 17 to address the alleged informality.

Consequently, Applicants respectfully request withdrawal of the objections to claims 15,
10 16 and 17.

§112 REJECTIONS

As noted above, the Office Action rejects claims 1, 4-7, and 20-22 under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly
15 claim the subject matter which applicant regards as the invention. Specifically, on page 4, the Office Action states that

the relationship between the “flat surface” recited in line 10 of independent claim 1 and “the surface” recited in the remainder of the claim is unclear. In particular, it is unclear from the claim language whether the claimed
20 method utilizes a single, flat surface, or if a plurality of different surfaces are utilized.

Applicants respectfully submit that the amendment to independent claim 1 overcomes the alleged confusion. Applicants additionally point, by way of example, to FIG. 1 and the
25 corresponding portions of the specification, wherein an exemplary surface is depicted, wherein such a surface is clearly shown to be a *flat* surface (for example, item 1 in FIG. 1).

Page 4 of the Office Action additionally states that

[c]laim 17 is further indefinite, because it is not clear from the claim language as to how one can produce a monolayer of protein on the surface that is

homogeneous from seed molecules that must either be double-stranded DNA or single-stranded mRNA. It is not clear how conducting an in vitro translation reaction from such seed molecules would produce the homogeneous monolayer required by the claims....

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Applicants respectfully submit that the proposed amendment to claim 17 overcomes the alleged confusion, and further, Applicants point to paragraphs [0012] and [0025] of the specification, by way of example, to show support for the claimed aspect in question.

10 Thus, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph rejection of claims 1, 4-7, and 20-22.

Additionally, as noted above, the Office Action rejects claims 1, 4-7, and 20-22 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description
15 requirement. Specifically, page 5 of the Office Action states that

[i]ndependent claim 1 has been amended to recite that “the monolayer of molecules on the surface has no diffusive component that can relocate and destroy amplification accuracy.” This recitation prohibits the presence in the monolayer of any component (e.g. a nucleic acid or protein molecule, ions, buffers, detergents, etc.) that is capable of diffusing away from the monolayer and
20 destroying amplification accuracy. (Emphasis in original)

Applicants respectfully submit that the amendment to independent claim 1 incorporating the aspect of wherein the monolayer of molecules on the flat surface has no diffusive seed
25 molecules that can relocate and destroy amplification accuracy overcomes the rejection. Support for the amendment can be found, by way of example, in paragraph [0025], and paragraphs [0030] through [0035] of the specification.

Therefore, Applicants submit that all of the pending claims, i.e., claims 1, 4-17 and 20-
30 23, are in condition for allowance, and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is greatly appreciated.

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Respectfully submitted,



10 Date: October 8, 2009

Michael J. Cooper
Attorney for Applicants
Reg. No. 57,749
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06430
(203) 255-6560

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